

OFFICIAL COPY

Fresno, California

February 5, 2002

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Senior Pastor Jim Totzke of Bethany Church gave the invocation and led the Pledge of Allegiance to the Flag.

PROCLAMATION OF TOWER MARDI GRAS DAY - COUNCILMEMBER BOYAJIAN

PROCLAMATION OF FRESNO DIXIELAND SOCIETY'S MARDI GRAS JAZZ FESTIVAL DAYS -
COUNCILMEMBER RONQUILLO

PRESENTATION BY ACTING PRESIDENT CASTILLO AND THE SECRET SERVICE TO THE AIRPORT
PUBLIC SAFETY STAFF

The above proclamations and commendations were read and presented.

PROCLAMATION OF FRESNO STATE NATIONAL GIRLS AND WOMEN IN SPORTS DAY - PRESIDENT
PEREA

Not presented.

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The City Council recessed at 9:14 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF JANUARY 29, 2002

On motion of Councilmember Quintero, seconded by Acting President Castillo, duly carried, RESOLVED, the Agency minutes of January 29, 2002, approved as amended, on Page R-02-15, the vote on Item A, adding Councilmember Calhoun's statement that he should have recused himself from the vote due to a potential conflict of interest.

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(“A”) HEARING TO CONSIDER ACTIONS RELATING TO THE DEVELOPMENT OF A MEDICAL EDUCATION AND RESEARCH CENTER AND RELATED PARKING AND LANDSCAPING ON PROPERTY GENERALLY BOUND BY FRESNO, HOWARD, ILLINOIS AND DIVISADERO STREETS WITHIN THE REGIONAL MEDICAL CENTER CAMPUS (JOINT ACTIONS)

1. APPROVE AMENDMENT NO. 1 TO THE 1995 DEVELOPMENT AGREEMENT AND LAND SALE DOCUMENT BETWEEN COMMUNITY MEDICAL CENTER, THE AGENCY AND THE CITY
2. JOINT RESOLUTION - APPROVING THE AGREEMENT FOR TRANSFER AND DEVELOPMENT OF PROPERTY (AGREEMENT) BETWEEN THE AGENCY, CITY AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA FOR THE DEVELOPMENT OF A MEDICAL EDUCATION AND RESEARCH CENTER WITHIN THE REGIONAL MEDICAL CENTER CAMPUS, AND MAKING CERTAIN FINDINGS
3. AUTHORIZE AGENCY AND CITY STAFF TO NEGOTIATE AND EXECUTE ANY OTHER DOCUMENTS NECESSARY TO CARRY OUT THE AMENDMENT AND THE TRANSFER AGREEMENT INCLUDING, WITHOUT LIMITATION, ESCROW INSTRUCTIONS, GRANT DEEDS, AND RELEASE OF REVERTER/MODIFICATION OF DEED COVENANTS

(CONTINUE HEARING TO FEBRUARY 12, 2002)

Councilmember Calhoun recused himself from the proceedings due to a potential conflict of interest.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled hearing continued to February 12, 2002, by the following vote:

Ayes	:	Boyajian, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None
Recused	:	Calhoun

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The joint bodies recessed to 2:30 p.m. for a special meeting and the City Council reconvened in regular session at 8:49 a.m.

UNSCHEDULED ORAL COMMUNICATIONS:

REQUEST FOR STAFF TO LOOK INTO MAKING DOWNTOWN A DESTINATION POINT BY ALLOWING BANDS/ENTERTAINMENT/CONCERTS/ACTIVITIES, ETC., ON THE FULTON MALL AFTER STADIUM EVENTS - COUNCILMEMBER BOYAJIAN

Request made with Councilmember Boyajian stating the intent would be to keep people downtown after stadium events with City Manager Hobbs stating he would look into the issue. Discussion ensued on the days the stadium will be allotted to the City, who would be in charge of coordinating events on the City's days, and if the dates were available and known. Convention Center Director Valdez was requested to provide information on the City's allotted dates and on events already scheduled. After the following issue Councilmember Ronquillo stated his office was unhappy with the coordination of stadium events and explained, and stated he wanted revenue-making public multi-day events to be made priorities, with Mr. Hobbs responding.

PASSING OF CITY INSPECTOR ARTHUR NAN OF THE CAPITAL MANAGEMENT DIVISION -
COUNCILMEMBER QUINTERO

Councilmember Quintero advised of the passing of Mr. Nan and a moment of silence was called for and observed in his memory.

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APPROVE MINUTES:

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes of January 29, 2002, approved, as amended, by Councilmember Calhoun as follows: on Page 139-45, adding after the vote on Item "A", Councilmember Calhoun's statement that he should have recused himself from the vote due to a potential conflict of interest, and on Page 139-54, Item 10:45 A.M., last paragraph, second to the last sentence, adding Councilmember Castillo's name as follows: "Councilmember Calhoun advised he and Councilmembers Ronquillo and Castillo met with staff and were close..." etc.

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APPROVE AGENDA:

- (11:00 A.M.) RECEIVE FY 2001-2002 MID-YEAR BUDGET REVIEW REPORT AND RELATED ITEMS
1. RESOLUTION - APPROVE RELEASE OF 10% HOLD-BACK FOR FY 2002
 2. * RESOLUTION - 76TH AMENDMENT TO AAR 01-200 TRANSFERRING \$511,700 FOR THE FIRE DEPARTMENT'S ANTICIPATED BUDGETARY SHORTFALL
 3. * RESOLUTION - 75TH AMENDMENT TO AR 02-200 TRANSFERRING \$50,000 FROM THE PARKS DEPARTMENT TO THE PUBLIC WORKS DEPARTMENT TO FACILITATE UTILITIES PAYMENTS FOR THE REMAINDER OF THE FISCAL YEAR
 4. * RESOLUTION - RECEIVE AND FILE THE CITY OF FRESNO COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR 2001

City Clerk Klisch advised Items 1 and 2 were not resolutions. So noted.

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-1a.2) * **RESOLUTION NO. 02-43 - 67TH AMENDMENT TO AAR 01-200 RESCINDING RESOLUTION NO. 01-394 WHICH APPROPRIATED \$136,000 FOR PAYMENT OF CONSULTING SERVICES BY MACIAS, GINI & COMPANY**

(1A-1c.) AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION IN THE AMOUNT OF \$148,000 TO CONSTRUCT WELLHEAD IMPROVEMENTS AT PUMP STATION 201

(1A-1d.) AWARD A ONE-YEAR REQUIREMENTS CONTRACT TO VEHICLE MAINTENANCE PROGRAM OF BOCA RATON, FLORIDA, IN THE AMOUNT OF \$7,182.29 FOR SECTION I (AIR FILTERS). THE CONTRACT WILL BE IN EFFECT FOR TWELVE MONTHS FROM THE DATE OF THE NOTICE TO PROCEED, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS

1. DETERMINING THAT NEOPART CORPORATION OF HONEY BROOK, PA, IS NON-RESPONSIVE TO THE SPECIFICATIONS FOR SECTION II (FUEL, WATER, OIL AND HYDRAULIC FILTERS)

3. AWARD A ONE-YEAR REQUIREMENTS CONTRACT TO GOLDEN STATE PETERBILT IN THE AMOUNT OF \$30,905.58 FOR SECTIONS II (FUEL, WATER, OIL AND HYDRAULIC FILTERS) AND III (BELTS). THE CONTRACT WILL BE IN EFFECT FOR TWELVE MONTHS FROM THE DATE OF THE NOTICE TO PROCEED, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS

(1A-4a.) APPROVE REAPPOINTMENTS OF COUNCILMEMBER QUINTERO, AL GRACE, ROBERT KAST AND BILLY CARTER TO THE FRESNO-MADERA AREA AGENCY ON AGING BOARD - MAYOR AUTRY

(1A-13a.) AUTHORIZE THE LEASE PURCHASE FINANCING OF FOUR BACKHOE LOADER TRACTORS WITH TRAILERS, TWO 1-TON UTILITY BODY TRUCKS, TWO PORTABLE AIR COMPRESSORS, AND TWO ½-TON SUPERVISOR TRUCKS TO BE USED BY FOUR STREET MAINTENANCE DIVISION TEMPORARY CONCRETE CREWS

(1A-15a.) APPROVE AGREEMENT WITH REINARD W. BRANDLEY, CONSULTING AIRPORT ENGINEER, FOR DESIGN OF THE FRESNO YOSEMITE INTERNATIONAL AIRPORT AIR CARGO IMPROVEMENTS CONDITIONED UPON FAA APPROVAL; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR AND DIRECTOR OF TRANSPORTATION TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(9:00 A.M.) PRESENTATION OF WINTER QUARTER P.R.I.D.E. TEAM CERTIFICATES

Employees were commended for their work, certificates were presented, and a reception was held to honor the employees.

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RECESS - 9:15 A.M. - 9:44 A.M.

(3A) * **BILL NO. B-8 - ORDINANCE NO. 2002-9** - AMENDING SECTION 2-1853 OF THE FRESNO MUNICIPAL CODE RELATING TO CLARIFICATION OF THE COMMUNITY PROPERTY STATUS OF THE POST-RETIREMENT SUPPLEMENTAL BENEFIT (PRSB)

a. * BILL NO. B-9 - ORDINANCE NO. 2002-10 - AMENDING SECTION 2-1745 OF THE FRESNO MUNICIPAL CODE RELATING TO CLARIFICATION OF THE COMMUNITY PROPERTY STATUS OF THE POST-RETIREMENT SUPPLEMENTAL BENEFIT (PRSB)

(3B) * BILL NO. B-10 - ORDINANCE NO. 2002-11 - AMENDING SECTIONS 2-1738, 2-1739, 2-1740, 2-1738a, 2-1739a AND 2-1740a OF THE FRESNO MUNICIPAL CODE RELATING TO CLARIFICATION OF THE STATUS OF LEGALLY SEPARATED SPOUSES

a. * BILL NO. B-11 - ORDINANCE NO. 2002-12 - AMENDING SECTIONS 2-1846, 2-1847 AND 2-1848 OF THE FRESNO MUNICIPAL CODE RELATING TO CLARIFICATION OF THE STATUS OF LEGALLY SEPARATED SPOUSES

Retirement Administrator McDivitt responded to questions of Councilmember Boyajian relative to the differentiation of former and legally separated spouses, how the issue arose, and what the amendment would provide for.

On motion of Councilmember Duncan, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Bill Nos. B-8, B-9, B-10 and B-11 adopted as Ordinance Nos. 2002-9, 2002-10, 2002-11 and 2002-12, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(5A) RESOLUTION NO. 2002-44 - NAMING THE PARK AT 3420 W. FIR AVENUE THE ORCHID NEIGHBORHOOD PARK - COUNCILMEMBER CALHOUN

(2 - 0) Briefly reviewed by Councilmember Calhoun who made a motion to adopt the resolution and along with City Attorney Montoy and Assistant City Manager Souza responded to questions of Councilmembers Ronquillo and Castillo relative to reason for naming the park, if there was neighborhood consensus on the new name, if the park currently had a name, prior Council request for criteria on naming, and the process that was undertaken. Councilmember Ronquillo encouraged Councilmember Calhoun to try to get a consensus from the neighborhood to prevent the potential for a fallback for not allowing neighborhood input in the process.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-44 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	Ronquillo
Absent	:	None

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(10:00 A.M.) HEARING TO CONSIDER THE ALIGNMENT AND WIDTH OF PROPOSED PUBLIC STREETS FOR A 26-ACRE INDUSTRIAL DEVELOPMENT PROPOSED ON THE EAST SIDE OF N. BRAWLEY AVENUE BETWEEN W. SHAW AND W. ASHLAN AVENUES (DISTRICT 1)

Removed from the agenda; to be rescheduled in approximately one month.

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RECESS - 9:54 A.M. - 10:17 A.M.

(10:15 A.M.) CONSIDER REPORT AND GIVE DIRECTION RELATING TO LOCAL PREFERENCE ORDINANCES, CONCESSION AGREEMENTS, AND CONCESSION AGREEMENTS AT THE CONVENTION CENTER AND DOWNTOWN STADIUM

City Attorney Montoy gave an overview of the issue and staff report as submitted.

Speaking to the issue were: Douglas Law, 7450 N. Fresno Street; and Scott Kindall, Butterfield Brewing Co.

Extensive discussion ensued with Convention Center Director Valdez, Ms. Montoy, Assistant City Manager Souza and Mr. Kindall responding to questions and/or comments of Councilmembers Castillo, Duncan, Ronquillo and Boyajian relative to numbers associated with the administration's concern with a reduction in revenues as noted in the staff report, speciality items, loss of revenues with local vendors, need to take into consideration the products/sales that are produced locally, intent being for unique/speciality items that Volume Services does not provide, the reality being taxpayers currently subsidize the convention center, people being well served by Volume Services, Councilmember Duncan speaking in support of Option 4 emphasizing the convention center was not making money, percentage of food services provided by local vendors through Volume Services, local vendors providing a service and helping the economy, intent being to include local vendors and not hurt the convention center or lose money, amount Volume pays to the City, possibility of renegotiating the agreement, if there was some leeway to contract with other vendors, Butterfields' contracting with Volume and why they were not subcontracting this year, amount Butterfields made when they were at the center and percentage Volume took from sales, garlic fries versus Butterfields' items, if Butterfields was interested in being back at hockey games, directing staff to continue discussions with Volume to see if the issue of subcontracting with local concessionaires could be pursued, sending the message to Volume that the City has a commitment to local vendors, if the City solely subcontracting with locals was too expensive, finding "wiggle room" to include locals, non-performance clause and if Volume was performing under the contract, the City being the one who asked Volume not to subcontract, getting statistics on Volume's use of local concessionaires, need to be sensitive to any revenue leakage, attendance figures when Butterfields was at the convention center, success of ATM machines at the convention center, garlic fries making more money than Butterfields' products (**3 - 0**), and Bobby Salazar's franchise. Councilmember Boyajian requested generation of revenues to the fullest extent be continued and made a motion to direct staff to engage in discussions to use local businesses as much as possible to allow them to succeed. Councilmember Duncan requested retail price manipulation not be included in whatever comes back to Council. Brief discussion ensued on use of kiosks, difference with subcontractors and franchises, Doug Out Cookies and Planet Java willing to be subcontractors of Volume, and local vendors being made aware of the City's seven days that can be subcontracted out.

On motion of Councilmember Boyajian, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the matter referred back to staff for further review and discussion consistent with discussion held this date including the concerns to maximize profits as well as utilize local vendors to the greatest extent, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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- (11:00 A.M. #1) RECEIVE FY 2001-2002 MID-YEAR BUDGET REVIEW REPORT AND RELATED ITEMS**
1. APPROVE RELEASE OF 10% HOLD-BACK FOR FY 2002
2. * RESOLUTION NO. 2002-45 - 76TH AMENDMENT TO AAR 02-200 TRANSFERRING \$511,700 FOR THE FIRE DEPARTMENT'S ANTICIPATED BUDGETARY SHORTFALL
3. * RESOLUTION NO. 2002-46 - 75TH AMENDMENT TO AR 02-200 TRANSFERRING \$50,000 FROM THE PARKS DEPARTMENT TO THE PUBLIC WORKS DEPARTMENT TO FACILITATE UTILITIES PAYMENTS FOR THE REMAINDER OF THE FISCAL YEAR
4. RECEIVE AND FILE THE CITY OF FRESNO COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR 2001

Controller Quinto reviewed the issue and staff report as submitted at length. A motion and second was made to approve Items 1 - 4 as outlined above.

Extensive discussion ensued with Ms. Quinto, City Attorney Montoy, Budget Manager Lynch, City Manager Hobbs, Chief Smith and Public Works Director Williamson clarifying issues and/or responding to questions and comments of Councilmembers Calhoun, Ronquillo, Castillo, Duncan and Boyajian relative what the reserve standard was for a city Fresno's size, Councilmember Calhoun stating he wanted to see more than a 5% unappropriated reserve, request for staff to report back on implications of going above a 5% reserve when appropriate, Councilmember Ronquillo stating 5% was adequate at this time and could be increased in the future, what expenditures were needed to prepare for next year's budget, the convention center's debt service, risk management implications, the Calcot agreement and the City's commitment, amount anticipated for transit, some problems taking years to build and the FY 03 budget not being able to fix everything, amount of savings prior to refinancing the pension obligation bonds, needs earmarked for funding by the savings, **(4 - 0)** staff commended on the savings provided for the city, Councilmember Castillo cautioning Council on how the \$1.5 million remaining in savings will be spent and making clear the savings are projected, using the conservative approach, how staff anticipates what general fund monies will be available, fire insurance ratings and staff levels, need to hire additional firefighters, firefighter positions approved two years ago, parking fund balance, installing additional parking meters, if staff was looking for additional parking sites, Calcot buildout, the landfill park project, clarification of parking revenues, need to find new revenue streams to provide funds for neighborhoods, how often the Insurance Service Office evaluates and determines fire ratings, billing Madera for responses to Valley Childrens Hospital, how often the city responded to calls, positions set aside for Fire Station 15 and amount allocated for the 10 positions, and why the issue of Fire Department over-time costs and the need for additional positions to lower the over-time cost was not brought to Council earlier.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the Ten Percent Budget Hold-Back removed at this time and staff directed to prepare and process the appropriate Administrative Transfer documents to reverse the Budget Hold-Backs, the above entitled Resolution Nos. 2002-45 and 2002-46 hereby adopted, and the Comprehensive Annual Financial Report for the year ended June 30, 2001, received and filed, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes : None
Absent : None

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LUNCH RECESS - 12:22 P.M. - 2:06 P.M. Councilmember Ronquillo arrived later.

(11:02 A.M. #2) APPROVE REORGANIZATION OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES INTO GENERAL SERVICES, FINANCE, INFORMATION SERVICES AND PERSONNEL SERVICES DEPARTMENTS IN RESPONSE TO THE MACIAS REPORT RECOMMENDATIONS; RENAME THE DEPARTMENT OF HOUSING & NEIGHBORHOOD REVITALIZATION TO HOUSING, ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT (HECD); MOVE THE ECONOMIC DEVELOPMENT DEPARTMENT TO HECD; AND RENAME THE DEVELOPMENT DEPARTMENT TO THE PLANNING & DEVELOPMENT DEPARTMENT

1. * RESOLUTION NO. 2002-47 - 14TH AMENDMENT TO PAR 01-201 CREATING THE GENERAL SERVICES DEPARTMENT

2. * RESOLUTION NO. 2002-48 - 15TH AMENDMENT TO PAR 01-201 CREATING THE FINANCE DEPARTMENT

3. * RESOLUTION NO. 2002-49 - 16TH AMENDMENT TO PAR 01-201 CREATING THE INFORMATION SERVICES DEPARTMENT

4. * RESOLUTION NO. 2002-50 - 17TH AMENDMENT TO PAR 01-201 CREATING THE PERSONNEL SERVICES DEPARTMENT

5. * RESOLUTION NO. 2002-51 - 18TH AMENDMENT TO PAR 01-201 RENAMING THE DEVELOPMENT TO THE DEVELOPMENT & PLANNING DEPARTMENT

6. * RESOLUTION NO. 2002-52 - 19TH AMENDMENT TO PAR 01-201 RENAMING THE DEPARTMENT OF HOUSING & NEIGHBORHOOD REVITALIZATION TO THE HOUSING, ECONOMIC & COMMUNITY DEVELOPMENT (HECD) DEPARTMENT, AND MOVING THE ECONOMIC DEVELOPMENT DIVISION FROM THE CITY MANAGER'S OFFICE TO HECD

7. * RESOLUTION NO. 2002-53 - 11TH AMENDMENT TO SALARY RESOLUTION NO. 01-199 CREATING THE CLASSES OF DIRECTOR OF GENERAL SERVICES, CHIEF INFORMATION OFFICER, DIRECTOR OF PERSONNEL SERVICES, AND ASSISTANT DIRECTOR OF PERSONNEL SERVICES

DAS Director Esquivel gave an overview and highlighted the staff report as submitted **(5 - 0)** and along with City Manager Hobbs clarified there were no net increases in the number of positions with the reorganization and responded to questions of President Perea and Councilmember Duncan relative to whether any direct service level type positions were eliminated to create management positions, if the reorganization was discussed with the Macias Group, and there being no need for additional funding. Councilmember Duncan commended staff stating he was impressed with the reorganization and this was the end of the Jim Patterson era, and made a motion to approve staff's recommendation, which motion was seconded and acted upon after additional discussion.

Councilmember Calhoun stated he had a concern with economic development (ED) being moved from the City Manager's Office adding he did not want to see it get buried somewhere and also with ED being placed with code enforcement stating he was concerned with the overall impact, with Mr. Hobbs responding. Noting he was uncom-

fortable with the matter and he was not provided with enough information Councilmember Calhoun stated he could not support Resolution #6 above and questioned if the motion-maker would pull it from the motion to be voted upon separately, with Councilmember Duncan stating he would not as all the issues were related and the basic framework needed to move forward. Councilmember Boyajian and President Perea spoke in support of staff's recommendation and City Attorney Montoy advised her office would work with staff on housekeeping matters in the code such as title changes.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-47, 2002-48, 2002-49 2002-50, 2002-51, 2002-52 and 2002-53 hereby adopted, by the following vote:

Ayes	:	Boyajian, Duncan, Quintero, Perea
Noes	:	Calhoun, Castillo
Absent	:	Ronquillo

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(2:00 P.M.) CONTESTED CONSENT CALENDAR:

(1A-1a. 1) * RESOLUTION NO. 2002-54 - 72ND AMENDMENT TO AAR 2002-200 APPROPRIATING \$34,000 FOR PAYMENT OF CONSULTING SERVICES BY MACIAS, GINI & COMPANY

Acting President Castillo stated he wanted it made clear the money that was being allocated was coming from the pension obligation bond (POB) savings and made a motion to adopt the resolution. Upon the request of Councilmember Duncan City Manager Hobbs clarified the funds were not coming from the \$7.5 million savings from the POB restructuring that took place a couple of weeks ago and Controller Quintero further clarified the funds were coming from the \$3.5 million variable rate POB savings. Acting President Castillo stated the point he wanted to make was that there were savings and they were already being used for various items.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-54 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

(1A-1b.) AWARD THE INDEPENDENT OUTSIDE AUDITOR CONTRACT TO MCGLADREY & PULLEN, LLP, AND AUTHORIZE THE CONTROLLER TO NEGOTIATE AND EXECUTE THE CONTRACT FOR SERVICES

Controller Quinto and City Manager Hobbs clarified issues and responded to questions, comments and/or concerns of Councilmembers Calhoun and Boyajian relative to the firm's ability to give the kind of information needed to make decisions, the selection process, experience of the firm, their commitment to use top level associates, what the importance was of having an independent outside auditor, the \$200,000 price differential in fees of the two final firms, the number of firms that were originally solicited, if Ms. Quinto had been associated with McGladrey & Pullen in the

past and if that information should have been made available to Council, Councilmember Boyajian stating Ms. Quinto's past tie to the firm and the price differential was an issue for him, and further clarifications on the price issue. Acting President Castillo clarified the other firm was asked by Ms. Quinto to restructure their proposal and they still came back high and stated the committee made a good selection and did a good job.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, McGladrey & Pullen, LLP, selected as the City's independent outside auditor at a fee of \$175,800, and the Controller authorized to negotiate the contract for services, by the following vote:

Ayes	:	Calhoun Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	None

Ms. Quinto and Mr. Hobbs responded to additional questions of Acting President Castillo and Councilmember Ronquillo and/or clarified issues relative to negotiating the contract for all departments discussed, what the intent was in inviting the Redevelopment Agency into the process, the Agency maybe preferring a different audit firm, the Agency paying for their portion of the audit, real debt of the Agency and debt created by the City, and having an audit that breaks down real debt versus imagined debt and getting information on the amount the Agency has provided for the City **(6 - 0)**, with Mr. Hobbs responding.

(1A-e.) CITY-WIDE PAYMENT SCHEDULE FOR MAXIMUS, INC., USER FEE STUDY

1. * RESOLUTION NO. 2002-55 - 80TH AMENDMENT TO AAR 02-200 APPROPRIATING \$17,000 FOR PAYMENT TO MAXIMUS, INC., FOR THE USER FEE STUDY

Acting President Castillo noted he pulled the item to make clear this was another pension obligation bond issue and presented questions relative to what was involved in a user fee study, what was looking to be accomplished, when the study would be completed, and if Maximus had performed this type of study before, with Controller Quinto responding. Councilmember Quintero briefly left the meeting at 3:05 p.m.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-55 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun Castillo, Duncan, Ronquillo, Perea
Noes	:	None
Absent	:	Quintero

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(2:30 P.M.) STATUS REPORT ON THE MULTI-PURPOSE DOWNTOWN STADIUM PROJECT

- 1. ACCEPT THE STADIUM PROJECT STATUS REPORT AS SUBMITTED**
- 2. APPROVE CONTRACT CHANGE ORDER NOS. 10 AND 14 WITH MAULDIN-DORFMEIER CONSTRUCTION, INC. (MDC), IN THE AMOUNT OF \$167,897**
- 3. APPROVE SUBSTITUTION OF SUBCONTRACTOR TO THE MDC CONTRACT, SAN JOAQUIN GLASS IN PLACE OF CLOVIS GLASS**
- 4. APPROVE THE AMENDMENT TO THE ORIGINAL AGREEMENT WITH HUNT CONSTRUCTION AND AUTHORIZE THE ACTING ASSISTANT CITY MANAGER TO NEGOTIATE THE AMENDMENT**

Acting Assistant City Manager Esquivel made a minor correction to #4 of the agenda title and gave a status update on the project as contained in the staff report. Public Works Director Williamson reviewed the change order and subcontractor substitution issues and along with Deputy Mayor Montero responded to questions relative to contingency fund balance, if the \$200,000 from the Diamond Group was included in that fund, the Grizzlies advertising/promoting an April 16th opening date, and May 1st being the completion date. Councilmember Quintero returned to the meeting at 3:14 p.m. Councilmember Duncan commended all involved for their work and efforts and made a motion to approve staff's recommendation, which motion was seconded and acted upon after additional brief discussion on the Diamond Group's lease, staff's recommendation to remove the "internal limits", occupying the stadium by April 16th, and the completion schedule/timeline, with City Attorney Montoy and Mr. Esquivel responding to questions.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the stadium project status report accepted, Construction Change Order Nos. 10 and 14 with Mauldin-Dorfmeier Construction, Inc, in the amount of \$167,897 approved; the substitution of subcontractor San Joaquin Glass in place of Clovis Glass approved, and the amendment to the original agreement with Hunt Construction approved and the Acting Assistant City Manager authorized to negotiate the amendment, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(2:45 P.M.) WORKSHOP - MID-YEAR RECRUITMENT REPORT/STREAMLINING

Laid over one week.

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The City Council reconvened in special joint session with the Redevelopment Agency at 3:22 p.m.

(2:30 P.M.) CONSIDER AN ADVANCE PARKING PASS SALES PROPOSAL FOR DOWNTOWN STADIUM PARKING FROM THE FRESNO DIAMOND GROUP AND DIRECT STAFF TO IMPLEMENT THE ADVANCE PARKING PASS SALES PROGRAM

Chair Duncan advised of the proposal presented to him by the Diamond Group, stated this would be an interesting way to get parking revenue upfront, noted the Diamond Group indicated they would take care of the entire cost and handling and were looking for a maintenance fee, stated advanced selling would eliminate seepage and revenue leakage and explained, and requested Council's support to implement the program for one year to see how it worked. Redevelopment Administrator Murphey further expanded on the proposal and the math and a motion and second was made to approve staff's recommendation.

Discussion ensued with Ms. Murphey and Agency Director Fitzpatrick responding to Council questions/comments and clarifying issues relative to how staff arrived at the numbers the Diamond Group and City would receive, commendations were made and support was expressed for the proposal, City Attorney Montoy advising staff would return with a modification to the existing parking agreement with the Diamond Group if the proposal is

approved, President Perea requesting no action be taken until the Diamond Group provides their \$200,000 by March 15th as agreed to, what the urgency was in approving the matter this date versus March, the proposal being for general parking and not preferred, and adding language in the proposal relative to re-capturing the \$5.00 when a pre-sold spot is not filled and then resold

On motion of Councilmember Ronquillo, seconded by Chair Duncan, duly carried, RESOLVED, the Fresno Diamond Group's proposal for an Advance Parking Pass Sales Procedure at a rate not to exceed \$.75 cents per parking pass for stadium event parking hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Duncan
Noes	:	Perea
Absent	:	None

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The joint bodies adjourned at 3:43 p.m. and the City Council reconvened in regular session.

(3:30 P.M.) DISCUSSION REGARDING THE MAYOR'S EDUCATION PROPOSALS AS REQUESTED BY DR. PETER MEHAS, COUNTY SUPERINTENDENT OF SCHOOLS

President Perea gave an overview stating the Mayor was looking at possible legislation that would allow him to appoint all seven members of the school board, clarified he had the legal prerogative to pursue that effort without Council's approval but noted the nexus would be Council having to allocate city resources to that effort if he was successful, and advised the matter was not scheduled for action this date but Mr. Mehas and other education leaders asked to address the issue and advise of their perspective as well as Mayor Autry.

Speaking in opposition to the Mayor's proposal at length and/or to impacts to other school districts were: Dr. Mehas **(7 - 0)**; Fresno Unified Superintendent Santiago Wood; and Central Unified Superintendent Larry Powell.

Mayor Autry spoke in support of granting Fresno's Mayor the authority to appoint FUSD board members citing Fresno Unified's low Academic Performance Index (API) ratings and due to the system not working, stated this issue did not have to be divisive but had to be debated passionately and civilly, and rebutted some of Mr. Mehas' comments.

Continued speakers in opposition to the Mayor's proposal were: FUSD Board Members Sarah Hedgepeth-Harris, Raymond Baker, David Wright, Manuel Nunez **(8 - 0)**, and Michael O'Hare.

Extensive discussion ensued with Councilmembers Calhoun, Ronquillo and Duncan commenting on the issue including, among other issues, the need for collaboration, implementing some of the proposals presented by Dr. Mehas, the system not being "broken", the Mayor's proposal being from the heart, hand-picked trustees not guaranteeing a better system, need for more of a partnership and less management, Board election results (with Councilmember Duncan displaying information on the overhead), need for accountability and change being good, Dr. Mehas clarifying the Mayor's proposal was not a new concept and that Fresno could learn from what others have done and rebutting Councilmember Duncan's election result presentation, Councilmembers Boyajian, Ronquillo and Castillo commenting on the issue including, among other issues, the need for collaboration, not insulting each other, unfairness of election

numbers, the silence of the school board on the truancy issue (with Dr. Wood **(9 - 0)**, a board member and Dr. Mehas responding), Councilmember Quintero, Mayor Autry, City Manager Hobbs and President commenting on the issue including, among other issues, lack of collaboration on education, support to see the Mayor's proposal and obtain input, clarification that the nomination process and committee will have community-wide input and representation, success of the Juvenile Accountability Ordinance, quality of schools impacting communities more than what city hall does, the successful southeast Fresno truancy program, challenges faced and students having different motivation factors, the Mayor having a right to go where he wants to go and Council needing to work more with school districts, commendation to the school members for their work and caring, lack of dialog within the community on the issue, and the system problems not being unique to Fresno. There was no further discussion.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:53 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 12th day of February, 2002.

_____ ATTEST: _____	
Henry Perea, Council President	Yolanda Salazar, Assistant City Clerk